IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
CIVIL APPLICATION NO.6006 OF 2005
IN
FIRST APPEAL NO. 2415 OF 2005

Office Notes, Office Memorandum of Coram, appearance, Court's orders or directions and Registrar's orders	Court's or Judge's orders

Mr.S.M. Sabrad,for the Appellant.

Ms. A.R.S. Baxi, for Respondent No.1.

CORAM : A.S. OKA, J.
DATE : 11TH AUGUST 2006

P.C. :

1. Rule. Respondent waives service. Taken up for hearing forthwith.

2. It is well settled rule that the execution of money decree can not be stayed without deposit of the decretal amount. The learned Advocate appearing for the Appellant submitted that there is a material on record to show that a sum of Rs.1,45,000/-is admittedly payable by the Respondent to the Appellant. The said claim is discarded by the learned Advocate appearing for the Respondent. Considering the controvercy involved in the Appeal and considering the peculiar facts and circumstances of the case, Civil Application is disposed of by passing following order :-

(a) There will be interim relief in terms of prayer clause (b) subject to Applicant depositing with the Trial Court a sum of Rs.3,70,000/- with interest there on at rate of 6% per annum from the date of filing of the suit till the date of deposit within a period of 16 weeks from today.

(b) If the amount is not deposited, interim relief will stand vacated without further reference to the Court.

(c) In case the amount is deposited, the Trial Court will permit the Respondent to withdraw the amount on furnishing the undertaking to re-deposit an amount with appropriate rate of interest in case the Applicant succeeds in Appeal.

(d) There will be no order as to costs.

JUDGE